

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CAROLINE DACOSTA, as Personal *
Representative and Administratrix *
for the Estate of JOSE L. DACOSTA, JR., *

Plaintiff, *

v. *

CPR FISHING, INC., *

Defendant, *

Civil Action No. 04-12059-JLT

PEARL BEAUVAIS, as Personal *
Representative and Administratrix *
for the Estate of JOHN BEAUVAIS, *

Plaintiff, *

v. *

CPR FISHING, INC., *

Defendant. *

ORDER

May 17, 2005

TAURO, J.

Plaintiffs allege that two commercial fishing vessels collided at sea, approximately twenty-eight (28) miles off the coast of Nantucket, Massachusetts.¹ Fishermen Jose DaCosta, Jr. and John Beauvais died as a result of the collision.² Because these deaths occurred beyond a marine

¹Compl. ¶¶ 8, 16, 25.

²Compl. ¶¶ 9, 17, 26.

league from the shore of any state, the Death on the High Seas Act (“DOHSA”), 46 U.S.C.App. §§ 761 *et. seq.*, applies to this case. Where it applies, DOHSA preempts all other forms of wrongful death claims under state law.³

For the foregoing reasons, this court hereby orders that:

1. Defendant’s Motion to Dismiss Counts One and Two of Plaintiffs’ Complaints

[#13] is ALLOWED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge

³Offshore Logistics, Inc. v. Tallentire, 477 U.S. 207, 230-32 (1986); Curcuro v. Rose’s Oil Serv., Inc., 802 N.E.2d 1032, 1035 (Mass. 2004).